

REMARKS

Claims 1-6, 8-64, and 73-79 are currently pending in the above-identified patent application. Claims 65-72 have been cancelled as having been previously withdrawn from consideration. Claim 7 has been cancelled previously. Accordingly, claims 1-6, 8-64 and 73-79 remain for consideration in the above-identified patent application.

Claims 1, 3, 9, 33, 35, 61, and 76 are amended in this response.

Claim 15 was allowed.

Claims 1-6, 8-14, 16-64 and 73-79 were rejected on the grounds that the recitation of the limitation that the base member is immobile with respect to the meltable portion, as previously included in these claims, was indefinite under the second paragraph of 35 U.S.C. § 112 and was new matter in contravention of the written description requirement of the first paragraph of 35 U.S.C. § 112. The Office Action noted that “deletion of the limitations relating to the new matter appears to put the claims in condition for allowance.”

This response includes the substance of a telephonic interview held with the Examiner on November 26, 2006. The substance of the interview was as follows: The Examiner had placed a courtesy call to the undersigned informing him that upon examination of the pending claims, the only remaining issues were issues under the first and second paragraphs of 35 U.S.C. § 112. The undersigned stated that he would like to receive the written Office Action regarding these rejections. The undersigned respectfully thanks the Examiner for the courtesy of the interview. This paragraph addresses the substance of the interview as required in the Interview Summary mailed with the Office Action of November 30, 2006. The remaining rejections are addressed below.

The three-month shortened statutory period for response to this Office Action expires on February 28, 2007. Accordingly, this response is being filed in a timely manner.

Reexamination of the application as amended, reconsideration of the rejections, and allowance of the claims remaining for consideration are respectfully requested.

This response is being filed in accordance with recently revised 37 C.F.R. § 1.121, as set forth in 68 F.R. 38611 (June 30, 2003). If the amendment is considered to be not in compliance with recently revised 37 C.F.R. § 1.121, the Examiner is respectfully requested to contact the undersigned at his earliest possible convenience.

I. AMENDMENTS TO THE APPLICATION

Entry of the amendments to the application is respectfully requested. As detailed below, the amendments introduce no new matter.

Claims 65-72, which had previously been withdrawn from prosecution, are now cancelled. The cancellation of these claims is without prejudice to the filing by Applicants of a properly copending divisional, continuation, or continuation-in-part application directed to the subject matter of some or all of these claims.

Claims 1, 3, 9, 33, 35, 61, and 76 are amended to delete the limitation that the base member is immobile with respect to the meltable portion. No other amendments are made to these claims.

The amendments to claims 1, 3, 9, 33, 35, 61, and 76 are proper after final action pursuant to 37 C.F.R. § 1.116, as they place the claims in condition for allowance, do not require a new search, and raise no new issues for consideration. These amendments were explicitly suggested in the Office Action and are made solely to overcome the rejections under the first and second paragraphs of 35 U.S.C. § 112.

Accordingly, entry of these amendments is respectfully requested.

II. THE REJECTIONS UNDER THE FIRST PARAGRAPH OF 35 U.S.C. § 112

Claims 1-6, 8-14, 16-64 and 73-79 were rejected under the first paragraph of 35 U.S.C. § 112 as failing to comply with the written description requirement.

This rejection is based solely on the limitation, previously included in the independent claims, that the base member is immobile with respect to the meltable portion.

The amendments to the independent claims delete this limitation. The Office Action noted that “deletion of the limitations relating to the new matter appears to put the claims in condition for allowance.” Therefore, the Examiner is respectfully requested to withdraw this rejection.

III. THE REJECTIONS UNDER THE SECOND PARAGRAPH OF 35 U.S.C. § 112

Claims 1-6, 8-14, 16-64 and 73-79 were rejected under the second paragraph of 35 U.S.C. § 112 as indefinite.

As with the rejection under the first paragraph of 35 U.S.C. § 112, this rejection is based solely on the limitation, previously included in the independent claims, that the base member is immobile with respect to the meltable portion.

The amendments to the independent claims delete this limitation. As stated above, the Office Action noted that “deletion of the limitations relating to the new matter appears to put the claims in condition for allowance.” Therefore, the Examiner is respectfully requested to withdraw this rejection.

IV. CONCLUSION

The Office Action noted that “deletion of the new matter appears to put the claims in condition for allowance.” In conclusion, all claims remaining for consideration are neither anticipated by nor obvious over the prior art of record, whether considered individually or in combination. These claims are not subject to obviousness-type double patenting. The deletion of the new matter obviates the rejections made in the Office Action under the first and second paragraphs of 35 U.S.C. § 112. Claim 15 had previously been allowed.

Accordingly, prompt allowance of these claims is respectfully requested.

If any further issues remain, the Examiner is respectfully requested to telephone the undersigned at (858) 200-0581.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael B. Farber', written in a cursive style.

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Date: January 23, 2007

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